THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

WRIT PETITION NO. 24471 OF 2005

Dated 7th December 2005

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Between:

Mahalaxmi Educational Society, rep.by its Secretary,

Hyderabad & another.

…Petitioner

And

The Secretary, Indian Nursing Council,

Kotla Road, Temple Lane, New Delhi & others.

…Respondents

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O R D E R:

The petitioners claim to have made applications for establishing Colleges of Nursing at various places in the State, in the months of December 2004 and January 2005. They also claim to have deposited a sum of Rs.5,000/- each, towards inspection fee. The grievance of the petitioners is that their applications have not been considered by the respondents so far, whereas the Director of Medical Education has appointed an Inspection Team, in respect of RAS School of Nursing, Mahboobnagar, through his proceedings, dated 23.07.2005. They seek similar treatment in their cases also.

Heard the learned counsel for the petitioners and learned Government Pleader for Medical Health and Family Welfare appearing for respondents 2 and 3.

The petitioners seek the relief of declaration that the action of the respondents, in not conducting inspection over the institutions proposed to be established by them, in pursuance of G.O.Rt.No.448, dated 25.04.2005, is illegal, arbitrary and unjust. A perusal of G.O.Rt.No.448 discloses that the Government has decided to streamline the processing of the applications, for grant of permission to colleges of Nursing and other paramedical institutions, through High Power Committee. As many as ten Committees have been constituted for the respective areas, and all of them are required to function under the chairmanship of a former Judge of this Court. The petitioners submitted their applications before issuance of G.O.Rt.No.448.

The Committees constituted under the said G.O., would formulate a scheme and programme, fixing the date of submission of applications and further steps. By no stretch of imagination, the applications submitted by the petitioners can be related to the scheme under G.O.Rt.No.448. The petitioners themselves have volunteered to deposit sums of Rs.5,000/- for inspection. The question of inspection of a proposed institution would arise, if only the Government had issued a notification, inviting applications for establishing colleges at various places. In the absence of such a notification, the respondents cannot be directed to cause inspection.

The petitioners rely upon a letter, dated 23.07.2005, issued by the Director of Medical Education, in relation to RAS School of Nursing, Mahboobnager. It is not known as to whether the said institution was already functioning, or whether it is an applicant in pursuance of any notification issued by the High Power Committee. The contents disclose that the inspection was for re-verification of the infrastructure, suggesting thereby that the institution was already in existence and that the process of re-verification was undertaken. The cases of the petitioners cannot be compared to that of the Institution, referred to above.

For the foregoing reasons, the writ petition is dismissed. It is, however, left open to the petitioners to submit the requisite applications, as and when the High Power Committee issues notification, in this regard. It is also made clear that in case the High Power Committee undertakes to process the pending applications, the cases of the petitioners shall also be considered, on par with the other similarly situated

applicants. There shall be no order as to costs.

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7th December 2005

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